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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
087396.499	03702/95	BELETIC	20513-0105

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24M1/0303

EXAMINER
COSIMANO, E

ART UNIT	PAPER NUMBER
2414	7

DATE MAILED: 03/03/97

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.

08/396,499

Applicant(s)

Beletic et al

Examiner

Edward Cosimano

Group Art Unit

2414



☒ Responsive to communication(s) filed on Dec 27, 1996

☒ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire THREE month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claims

☒ Claim(s) 1-19 is/are pending in the application.

Of the above, claim(s) none is/are withdrawn from consideration.

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-19 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☐ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____.

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). _____

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

--- SEE OFFICE ACTION ON THE FOLLOWING PAGES ---

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1. The specification and drawings have not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification or drawings. Applicant should note the requirements of 37 CFR § 1.74, § 1.75, & § 1.84(o,p(5)).

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2.1 Claims 1-3, 6, 7 & 9-19 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Goldberg (5,457,732).

2.2 Claims 1-3, 6, 7 & 9-19 are rejected under 35 U.S.C. § 102(e) as being clearly anticipated by Ory et al (5,140,622).

3. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

(c) Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

3.1 Claims 4 & 8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over either Goldberg (5,457,732) or Ory et al (5,140,622) as applied to claims 1-3, 6, 7 & 9-19 above and further in view of Tsukamoto et al (5,128,981).

3.1.1 In regard to claims 4 & 8, neither Goldberg ('732) nor Ory et al ('622) transmit a control

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menu to the remote unit, however, Tsukamoto et al ('981) discloses sending a control menu to the remote unit where the control menu performs the same function as the voice menu of Ory et al ('622). Since, it is quite common to transmit a page to a remote station to indicate that either digital and/or voice data is to be received by the remote stations, it would have been obvious to one of ordinary skill at the time the invention was made that the systems of either Goldberg ('732) or Ory et al ('622) could be modified to receive a control menu as taught by Tsukamoto et al ('981).

3.2 Claim 5 is rejected under 35 U.S.C. § 103 as being unpatentable over either Goldberg (5,457,732) or Ory et al (5,140,622) as applied to claims 1-3, 6, 7 & 9-19 above and further in view of the use of common equipment.

3.2.1 In regard to claim 5, neither Goldberg ('732) nor Ory et al ('622) disclose the specific equipment recited in the claim, however, this equipment is part of a equipment required to handle data in a network. Hence, it would have been obvious to one of ordinary skill at the time the invention was made that the systems of either Goldberg ('732) or Ory et al ('622) would use similar equipment to perform the necessary data handling require to carry out the inventions of either Goldberg ('732) or Ory et al ('622).

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 C.F.R. § 1.136(a).

4.1 A SHORTENED STATUTORY PERIOD FOR RESPONSE TO THIS FINAL ACTION IS SET TO EXPIRE THREE MONTHS FROM THE DATE OF THIS ACTION. IN THE EVENT A FIRST RESPONSE IS FILED WITHIN TWO MONTHS OF THE MAILING DATE OF THIS FINAL ACTION AND THE ADVISORY ACTION IS NOT MAILED UNTIL AFTER THE END OF THE THREE-MONTH SHORTENED STATUTORY PERIOD, THEN THE SHORTENED STATUTORY PERIOD WILL EXPIRE ON THE DATE THE ADVISORY ACTION IS MAILED, AND ANY EXTENSION FEE PURSUANT TO 37 C.F.R. § 1.136(a) WILL BE CALCULATED FROM THE MAILING DATE OF THE ADVISORY ACTION. IN NO EVENT WILL THE STATUTORY PERIOD FOR RESPONSE EXPIRE LATER THAN SIX MONTHS FROM THE DATE OF THIS FINAL ACTION.

5. Response to applicant's arguments.

5.1 All rejections and objections of the previous Office action not repeated or modified and repeated here in have been over come by applicant's last response.

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5.2 As per the 35 U.S.C. § 102 & 35 U.S.C. § 102 rejections, since:

A) Goldberg ('732) in fig. 7 at boxes 770 & 780 clearly indicates that the user controls the messaging systems, applicant's argument's are non persuasive.

B) Ory et al ('626) at column 8 clearly indicate that the user has an option of hearing the caller's phone number before a connection is made, the paged person controls the messaging systems, and hence, applicant's argument's are non persuasive.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Edward Cosimano whose telephone number is (703) 305-9783. The examiner can normally be reached monday through thursday from 7:30am to 6:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Todd Voeltz, can be reached on (703)-305-9714. The fax phone number for this group is (703)-305-9731. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-3800.

02/24/97



Edward R. Cosimano
Primary Examiner A.U. 2414